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COMMITTEE ON THE RIGHTS OF THE CHILD

Twenty-eighth session

# CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 44 OF THE CONVENTION

## Concluding observations of the Committee on the Rights of the Child: Oman

1. At its 727th and 728th meetings (see CRC/C/SR.727 and 728), held on 27 September 2001, the Committee on the Rights of the Child considered the initial report of Oman (CRC/C/78/Add.1), which was received on 5 July 1999, and adopted at the 749th meeting, held on 12 October 2001 (CRC/C/SR.749), the following concluding observations.

### A. Introduction

2. The Committee notes that the initial State party report was prepared according to the Committee's guidelines for reporting. It notes the timely submission of the informative written answers. The Committee further notes with appreciation the presence of a high-level and cross-sectoral delegation, which contributed to a frank and open dialogue.

### B. Positive aspects

3. The Committee notes that the consideration of the initial report of Oman marked the first occasion that the State party had appeared before a human rights treaty body.

4. The Committee appreciates that the State party has achieved most of the goals of the World Summit for Children, including reductions in infant and under-5 mortality, an annual immunization rate of almost 98 per cent, high primary and secondary school enrolment, and near parity in school enrolment between girls and boys.

5. The Committee notes the high level of commitment to health care, as evidenced by its having been ranked eighth in the world for its overall health system performance (WHO, World Health Report 2000). It welcomes information on salt iodization and flour fortification programmes, pre-marriage screening for HIV/AIDS and congenital diseases, and the introduction of the Integrated Management of Childhood Illness (IMCI) strategy.

6. The Committee welcomes:

(a) The introduction of basic education reform, which includes the adoption of a child-centred approach to learning;

(b) The State party's ratification of the ILO Worst Forms of Child Labour Convention, 1999 (No. 182); and

(c) The introduction of the new system for reporting child abuse and neglect.

### C. Factors and difficulties impeding the implementation of the Convention

7. The Committee acknowledges that sparse settlement patterns, especially in rural and remote regions of the country, may be factors impeding the implementation of some provisions of the Convention.

### D. Principal subjects of concern and recommendations

#### 1. General measures of implementation

**Reservation**

8. The Committee welcomes information that the State party is re-examining its reservations to articles 7, 9, 21 and 30 of the Convention. While noting difficulties that the State party may have, the Committee is nevertheless concerned that its reservation to article 14 is not included in this re-examination.

9. **The Committee recommends that the State party:**

**(a) Expeditiously complete its re-examination of its reservations to articles 7, 9, 21 and 30 of the Convention with a view to withdrawing them in accordance with the Vienna Declaration and Plan of Action of the World Conference on Human Rights (1993);**

**(b) Study its reservation to article 14 with a view to narrowing it, taking account of the Human Rights Committee's general comment No. 22 on freedom of thought, conscience and religion.**

**Legislation**

10. While noting various legislative measures already taken or proposed with respect to child rights (e.g. 1999 Civil Status Law, 1999 Criminal Procedure Law, draft Juveniles Law), the Committee is concerned that they do not sufficiently reflect a comprehensive rights-based approach to the implementation of the Convention.

11. **The Committee recommends that the State party:**

**(a) Undertake a comprehensive review of existing legislation from a rights-based approach, to ensure its conformity with the principles and provisions of the Convention; and**

**(b) Consider the adoption of a comprehensive children's code, which would incorporate the principles and provisions of the Convention.**

**Coordination**

12. The Committee welcomes information that the Omani Child Rights Committee, under the National Committee for Child Care (NCCC), has been reactivated with the aim of improving the implementation of the Convention. However, it is concerned at the lack of a comprehensive plan of action to implement the Convention.

13. **The Committee recommends that the State party:**

**(a) Pursue the preparation and development of a comprehensive rights-based national plan of action for the implementation of the Convention, through an open, consultative and participatory process; and**

**(b) Ensure that the NCCC, particularly the Child Rights Committee, is provided with adequate human and financial resources.**

**Cooperation with civil society**

14. Noting good cooperation in the development and welfare sectors between the Government and national associations, bilateral aid agencies, international organizations and NGOs, the Committee is concerned that insufficient efforts have been made to involve civil society, particularly in the area of civil rights and freedoms, with respect to awareness-raising and in the implementation of the Convention.

15. **The Committee recommends that the State party:**

**(a) Develop a systematic approach to involving civil society, especially children's associations, throughout all stages in the implementation of the Convention, in particular with respect to civil rights and freedoms; and**

**(b) Ensure that legislation regulating NGOs conforms to article 15 of the Convention and international standards on freedom of association, as a step in facilitating and strengthening their participation.**

**Data collection**

16. The Committee notes that the State party has developed an efficient, nationwide system of data collection in the area of health and welcomes information that efforts are under way to establish a comprehensive database for children within an overall social database.

17. **The Committee encourages the State party:**

**(a) To continue its efforts and ensure that disaggregated data are collected on all persons under 18 years for all areas covered by the Convention, including the most vulnerable groups (i.e. non-nationals, children living in remote areas, children with disabilities, children of economically disadvantaged households, etc.), and that these data are used to assess progress and design policies to implement the Convention; and**

**(b) To seek technical assistance from, among others, UNICEF.**

**Monitoring structures**

18. The Committee is concerned at the absence of an independent mechanism with a mandate regularly to monitor and evaluate progress in the implementation of the Convention and which is empowered to receive and address complaints.

19. **The Committee recommends that the State party:**

**(a) Establish an independent national human rights institution in accordance with the Principles relating to the status of national institutions for the promotion and protection of human rights (General Assembly resolution 48/134) to monitor and evaluate progress in the implementation of the Convention at the national and at the local levels. This institution should be accessible to children and empowered to receive and investigate complaints of violations of child rights in a child-sensitive manner and to address them effectively; and**

**(b) Seek technical assistance from, among others, OHCHR and UNICEF.**

**Resource allocation**

20. The Committee notes significant investment in and increased budgetary allocations for health, education and other parts of the social sector, and welcomes information that the State party's budget categorization system will be modified so that allocations for children may be more easily ascertained.

21. **The Committee recommends that the State party:**

**(a) Continue and strengthen its efforts to allocate available resources - human and financial - to the maximum extent to health, education, culture and other social services;**

**(b) Undertake similar efforts to ensure full implementation of the Convention; and**

**(c) Systematically assess the impact of budgetary allocations on the implementation of child rights.**

**Training/dissemination of the Convention**

22. The Committee is concerned that awareness of the Convention amongst professionals working with and for children and the general public, including children themselves, remains low. The Committee is concerned that the State party is not undertaking adequate dissemination, awareness-raising and training activities in a systematic and targeted manner.

23. **The Committee recommends that the State party:**

**(a) Develop an ongoing programme for the dissemination of information on the Convention and its implementation among children and parents, civil society, all sectors and levels of government and the Council of Oman, including initiatives to reach those vulnerable groups who are illiterate or without formal education;**

**(b) Develop systematic and ongoing human rights training programmes, that include children's rights for all professional groups working for and with children (e.g. judges, lawyers, law enforcement officials, civil servants, local government officials, personnel working in institutions and places of detention for children, teachers and health personnel); and**

**(c) Seek assistance from, among others, OHCHR and UNICEF.**

## 2. General principles

**Non-discrimination**

24. Noting significant achievements with regard to the status of women, the Committee is nevertheless concerned that discrimination contrary to article 2 of the Convention persists in the State party. In particular, the Committee is concerned about discrimination against females and children born out of wedlock under the 1997 Personal Status Law and that, according to the 1999 Civil Status Law, a birth out of wedlock is indicated in the birth register.

25. **In accordance with article 2 of the Convention, the Committee recommends that the State party:**

**(a) Undertake all possible measures to reconcile fundamental human rights with Islamic texts;**

**(b) Take effective measures, including enacting or rescinding legislation where necessary, to prevent and eliminate discrimination on grounds of sex and birth in all fields of civil, economic, political, social and cultural life;**

**(c) Take all appropriate measures, such as comprehensive public education campaigns, to prevent and combat negative societal attitudes in this regard, particularly within the family; and**

**(d) Train members of the legal profession, especially the judiciary, to be gender-sensitive. Religious leaders should be mobilized to support such efforts.**

26. The Committee is concerned at the disparities in the enjoyment of economic and social rights, particularly the rights to health and education, experienced by non-national children and children living in rural areas, such as al-Wusta.

27. **The Committee recommends that the State party:**

**(a) Take all necessary measures to ensure that all children within its jurisdiction enjoy all the rights set out in the Convention without discrimination, in accordance with article 2;**

**(b) Continue to prioritize and target resources and social services for children belonging to the most vulnerable groups, especially in areas which lack basic services; and**

**(c) Consider ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.**

28. **The Committee requests that specific information be included in the next periodic report on the measures and programmes relevant to the Convention on the Rights of the Child undertaken by the State party to follow up on the Declaration and Programme of Action adopted at the 2001 World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, and taking account of the Committee's general comment No. 1 on article 29.1 of the Convention on the aims of education.**

**Best interests of the child**

29. The Committee is concerned that in actions concerning children, the general principle of the best interests of the child contained in article 3 of the Convention is not always a primary consideration, such as in matters relating to family law.

30. **The Committee recommends that the State party review its legislation and administrative measures to ensure that article 3 of the Convention is duly reflected therein and that this principle is taken into account when administrative, policy, court or other decisions are made.**

**Respect for the views of the child**

31. **The Committee is concerned that traditional attitudes towards children in society may limit respect for their views, especially within the family and schools.**

32. **The Committee recommends that the State party:**

**(a) Continue to promote and facilitate within the family, the school, institutions, the courts and administrative bodies respect for the views of children and their participation in all matters affecting them, in accordance with article 12 of the Convention;**

**(b) Develop skills-training programmes in community settings for parents, teachers, social workers and local officials so that they can learn how to help children to express their informed views and opinions and to take those views into consideration; and**

**(c) Seek assistance from, among others, UNICEF.**

## 4. Civil rights and freedoms

**Nationality**

33. The Committee is concerned that the Nationality Law does not grant citizenship to children of Omani women married to non-nationals, as it does where the father is Omani.

34. **The Committee recommends that the State party ensure the right of all children to a nationality, without discrimination on the grounds of either parent's sex, in accordance with articles 2 and 7 of the Convention.**

## 5. Family environment and alternative care

**Violence/abuse/neglect/maltreatment**

35. The Committee welcomes the introduction of the new system for reporting incidents of child abuse and neglect and the establishment of the Family Counselling and Guidance Department. However, the Committee remains concerned that there is insufficient information and awareness in Oman of the ill-treatment and abuse of children within the family and institutions.

36. **The Committee recommends that the State party:**

**(a) Conduct a study to assess the nature and extent of ill-treatment and abuse of children, and design policies and programmes to address it;**

**(b) Take legislative measures to prohibit all forms of physical and mental violence, including corporal punishment and sexual abuse of children in the family and in institutions;**

**(c) Carry out public education campaigns about the negative consequences of ill-treatment of children, and promote positive, non-violent forms of discipline as an alternative to corporal punishment;**

**(d) Ensure that the new reporting system can effectively receive, monitor and investigate complaints, and that the authorities can intervene where necessary;**

**(e) Investigate and prosecute cases of ill-treatment, ensuring that the abused child is not further victimized in legal proceedings and that his/her privacy is protected;**

**(f) Provide care, recovery and reintegration for victims;**

**(g) Train teachers, law enforcement officials, care workers, judges and health professionals in the identification, reporting and management of ill-treatment cases; and**

**(h) Seek assistance from, among others, UNICEF and WHO.**

## 6. Basic health and welfare

### Right to health and health care

37. Noting significant achievements in the reduction of infant and child mortality, and the high levels of immunization coverage, the Committee is concerned that:

(a) Malnutrition affects about 25 per cent of children under 5;

(b) Thirty per cent of pregnant women and 20 per cent of children under 5 still suffer from anaemia;

(c) Thirty-nine per cent of breastfeeding mothers have vitamin A deficiency; and

(d) Ten per cent of school-age children suffer from mild to moderate iodine deficiency disorders.

38. **The Committee recommends that the State party:**

**(a) Make greater efforts to address these issues through continued allocation of the required resources;**

**(b) Strengthen health and nutrition education such as through public-information campaigns and its inclusion in the curricula; and**

**(c) Seek assistance from UNICEF and WHO.**

**Adolescent health**

39. The Committee is concerned that insufficient information is available in relation to adolescent health, such as access to reproductive health services and mental health counselling services.

40. **The Committee recommends that the State party:**

**(a) Ensure that adolescents have access to and are provided with education on reproductive health and other adolescent health issues, including mental health, as well as with child-sensitive and confidential counselling services;**

**(b) Strengthen efforts in the area of adolescent health education within the educational system; and**

**(c) Seek assistance from, among others, UNICEF and WHO.**

**Children with disabilities**

41. The Committee welcomes information that a national committee on disability has been formed, a new medical and social care unit under the Centre for Care and Rehabilitation of the Disabled has been established to cater for the needs of severely disabled children, and that three new Al-Wafa Social Centres for Disabled Children have been established. However, the Committee is concerned that children with disabilities, in general, have inadequate access to specialized services and education, and that there is insufficient support for families.

42. **The Committee recommends that the State party:**

**(a) Conduct a survey to assess the causes and extent of disability among children;**

**(b) Review existing policies and practice in relation to children with disabilities, taking due regard of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96) and of the Committee's recommendations adopted at its day of general discussion on "Children with disabilities" (see CRC/C/69);**

**(c) Involve children with disabilities and their families in the development of surveys and policy review;**

**(d) Undertake greater efforts to make available the necessary professional and financial resources;**

**(e) Undertake greater efforts to promote and expand community-based rehabilitation programmes, including parent support groups, and inclusive education of children with all forms of disability; and**

**(f) Seek assistance from, among others, UNICEF and WHO.**

## 7. Education, leisure and cultural activities

### Education

43. Noting significant improvements in education indicators, the Committee is concerned: that primary education is not compulsory; at levels of drop-out and repetition at primary, preparatory and secondary education levels, especially among boys; and at the quality of teaching as a result of rapid Omanization in this sector.

44. **The Committee recommends that the State party:**

**(a) Ensure that primary education is made compulsory by law;**

**(b) Make greater efforts to address drop-out and repetition rates; and**

**(c) Allocate the required resources to address the quality of teacher training.**

45. The Committee is concerned that human rights education, including about the Convention, is not included in the school curricula.

46. **The Committee recommends that the State party, taking into account the Committee's general comment No. 1 on the aims of education:**

**(a) Include human rights education, including about children's rights, in the curricula, particularly with respect to the development of and respect for human rights, tolerance and equality of the sexes and religious and ethnic minorities; and**

**(b) Seek assistance from UNICEF and UNESCO.**

47. Noting that the Organizational Statutes of the General Education Schools ban corporal punishment, the Committee remains concerned that this issue is not effectively addressed.

48. **The Committee recommends that the State party raise awareness of the negative impact of corporal punishment among teachers and other professionals working in schools, and take other appropriate measures for its prevention and elimination.**

## 8. Special measures of protection

### Economic exploitation

49. The Committee welcomes the State party's ratification of the ILO Worst Forms of Child Labour Convention, 1999 (No. 182). It further welcomes information that Oman has introduced policies embodied in this convention as well as ILO Recommendation No. 190, and that it is conducting a review of legislation with a view to raising the minimum age of employment from 13 to 16 years. However, the Committee is concerned about the lack of information on child labour within the agricultural and domestic service sectors.

50. **The Committee recommends that the State party:**

**(a) Undertake a national survey on the causes, extent and impact of child labour;**

**(b) Implement the ILO Minimum Age Recommendation, 1973 (No. 146) and the Worst Forms of Child Labour Recommendation, 1999 (No. 190);**

**(c) Consider ratifying the ILO Minimum Age Convention, 1973 (No. 138); and**

**(d) Seek assistance from, among others, the ILO.**

### Camel racing

51. The Committee is seriously concerned at the hazardous situation of children involved in camel racing. In particular it is concerned that sometimes very young children are involved and that such involvement produces serious injuries, even fatalities. It concurs with the ILO Committee of Experts on the Application of Conventions and Recommendations which has previously indicated that the employment of children as camel jockeys constitutes dangerous work under article 3(1) of ILO Convention No. 138.

52. **In accordance with article 32 of the Convention and ILO Convention No. 182, which the State party has ratified, the Committee recommends that the State party:**

**(a) Take immediate and effective steps to ensure the implementation of article 32 of the Convention and ILO Convention No. 182, taking into account ILO Recommendation No. 190;**

**(b) Undertake efforts to develop a regional initiative in this regard, including bilateral and multilateral cooperation; and**

**(c) Seek assistance from the ILO.**

**Administration of juvenile justice**

53. Noting the draft Juveniles Law, the Committee is concerned that insufficient efforts have been made to secure its speedy adoption.

54. **The Committee recommends that the State party:**

**(a) Establish a minimum age of criminal responsibility in accordance with the principles and provisions of the Convention;**

**(b) Ensure that a system of juvenile justice fully integrates into its legislation and practice the provisions of the Convention, in particular articles 37, 40 and 39, as well as other relevant international standards in this area, such as the Beijing Rules, the Riyadh Guidelines, the United Nations Rules for the Protection of Juveniles Deprived of their Liberty and the Vienna Guidelines for Action on Children in the Criminal Justice System;**

**(c) Expedite the promulgation of the draft Juveniles Law and ensure that adequate resources are allocated for its effective implementation;**

**(d) Ensure that the deprivation of liberty is only used as a measure of last resort, for the shortest possible time, is authorized by the court, and that persons under 18 are not detained with adults;**

**(e) Ensure that children have access to legal aid and independent and effective complaints mechanisms;**

**(f) Consider alternative measures to deprivation of liberty, such as probation, community service or suspended sentences;**

**(g) Train professionals in the area of rehabilitation and social reintegration of children; and**

**(h) Seek assistance from, among others, OHCHR, the Centre for International Crime Prevention, the International Network on Juvenile Justice and UNICEF, through the Coordination Panel on Technical Advice and Assistance on Juvenile Justice.**

## 9. Optional protocols

55. **The Committee encourages the State party to ratify the Optional Protocols to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, and on the involvement of children in armed conflict.**

## 10. Dissemination of documents

56. **Finally, the Committee recommends that in accordance with article 44, paragraph 6, of the Convention, the initial report presented by the State party be made widely available to the public at large and that consideration be given to the publication of the report along with the written answers to the list of issues raised by the Committee, the relevant summary records of the discussion, and the concluding observations adopted by the Committee following its consideration of the report. Such a document should be widely distributed in order to generate debate and awareness of the Convention and its implementation and monitoring within the Government, the parliament and the general public, including concerned non-governmental organizations.**

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